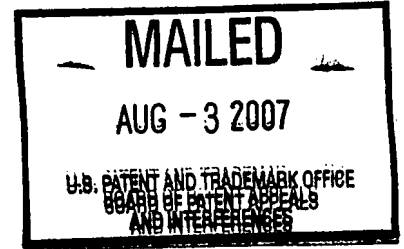


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: BRUCE ALBERT YEAZELL

Application No. 09/811,875



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 8, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

APPEAL BRIEF

Appellant filed an Appeal Brief dated April 29, 2004. A review of the Appeal Brief reveals that it is not in compliance with 37 CFR 1.192{c} since the following required headings including {5}, {6} and {8} are defective (see MPEP 1206, Eighth Ed., Rev. 1, Feb. 2003). The Code of Regulations 1.192 states:

- (a) Appellant must, within two months from the date of the notice of appeal under § 1.191 or within the time allowed for reply to the action from which the appeal was taken....

- (c) The brief shall contain the following items under appropriate headings and in the order indicated below....

* * *

- (5) Summary of Invention. A concise explanation of the invention defined in the claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawings, if any, by reference characters.
- (6) Issues. A concise statement of the issues presented for review.
- (8) Argument. The contentions of appellant with respect to each of the issues present for review in paragraph {c} {6} of this section, and the basis therefor, with citations of the authorities, statutes, and parts of the record relied on. Each rejection on appeal should be argued separately.

For Example, the Final Rejection mailed August 26, 2003, identified five (5) Separate 35 USC 103 rejections; therefore, Appellant should separately argue each rejection. It should be noted that the rejection to Claims 22 and 25 were not addressed in the Appeal Brief.

Section 37 CFR § 1.192(d) states:

- (d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and provided with a period of one month within which to file an amended brief. If appellant does not file an amended brief during the one month period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.

A Supplemental Appeal Brief in compliance with § 1.192 is required.


CONCLUSION

Accordingly, it is

Ordered that the application is returned to the Examiner for

- 1) hold the Appeal Brief filed April 29, 2004, defective;
- 2) notify the Appellant to submit a Supplemental Appeal Brief which corrects §1.192(c)(5)-(6) & (8);
- (3) issue and mail a PTOL-90 considering the Supplemental appeal Brief; and
- (4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571)272-9797

PJN/dpv

The Procter & Gamble Co.
Intellectual Property Division
Winton Hill Bs. Center - Box 161
6110 Center Hill Ave.
Cincinnati, OH 45224